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## CHAPTER V

### PUBLIC OPINION REGARDING EMANCIPATION AND COLONIZATION

Although the facts herein set forth indicate that slavery in Kentucky was a comparatively mild form of servitude it is not the aim here to leave the impression that the anti-slavery element found no grounds for attacking the institution. On the contrary, there were various elements that devised schemes for exterminating the institution. This was especially true of the churches, which represented more than any other one force the sentiment of the State on the subject of emancipation. The three prominent Protestant denominations of the State were the Presbyterians, the Baptists, and the Methodists. The only one of the three which maintained a general continuous policy throughout the early nineteenth century on the question of slavery was the Presbyterian.

It was on the eve of the first Constitutional Convention of 1792 that David Rice, at that time the leader of the Presbyterians in Kentucky, published a pamphlet under the nom-de-plume of PHILANTHROPOS entitled *Slavery Inconsistent with Justice and Good Policy*. While the author went into the general evils of slavery, such as the lack of protection to female chastity, lack of religious and moral instruction, and the comparative unproductiveness of slave labor, he was not one of those violent opponents of the institution, who would abolish the whole system without any constructive measures. A large part of his treatise was devoted to the supposed sanction of the scriptures and his own evidence that the same source was against rather than in favor of the system then in vogue. It was but natural that Rice should recommend that the convention should put an end to slavery in Kentucky in view of his firm opinions in the matter, but he had a clear vision of the future and he expressed his con-

viction that "a gradual emancipation only can be advisable." He summed up his ideas in this sentence: "The legislature, if they judged it expedient, would prevent the importation of any more slaves; they would enact that all born after such a date should be free; be qualified by proper education to make useful citizens, and be actually freed at a proper age."<sup>1</sup> He put these ideas forth as a citizen of Kentucky who was interested in its welfare and as a prospective member of the constitutional convention. When that body assembled at Danville he did not hesitate to voice his views again but the forces of slavery were dominant and the majority enacted the famous article IX, which determined the slave code of the State until the institution was abolished by the 13th amendment to the federal constitution. The significance of the attitude of David Rice lies in the fact that as early as the year 1792 he put forth the idea of gradual emancipation, a policy far in advance of his age but which in the course of time was held by a large number of the fair-minded statesmen of Kentucky.

In 1794 the Transylvania Presbytery, which was the governing body of that sect at that time for the whole State, passed a resolution asking that slaves should be instructed to read the Bible, having in view the sole idea that when freedom did come to them they would be prepared for it.<sup>2</sup> The same body in 1796 expressed the following fair-minded attitude in the form of a resolution:

Although the Presbytery are fully convinced of the great evil of slavery, yet they view the final remedy as alone belonging to the civil powers; and also do not think that they have sufficient authority from the word of God to make it a term of Christian communion. They, therefore, leave it to the consciences of the brethren to act as they may think proper; earnestly recommending to the people under their care to emancipate such of their slaves as they may think fit subjects of liberty; and that they also take every possible measure, by teaching their young slaves to read and give them such other instruction as may be in their power, to prepare

<sup>1</sup> Davidson, *History of the Presbyterian Church in Kentucky*, p. 336.

<sup>2</sup> *Minutes of Transylvania Presbytery*, Vol. 1, p. 147.

them for the enjoyment of liberty, an event which they contemplate with the greatest pleasure, and which, they hope, will be accomplished as soon as the nature of things will admit.<sup>3</sup>

In the year 1797 the same organization decided that slavery was a moral evil but on the question of whether those persons holding slaves were guilty of a moral evil they decided in the negative. As to what persons were guilty they were unable to decide and the matter was postponed for future action.<sup>4</sup>

As early as 1800 the West Lexington Presbytery pointed to the trouble and division which slavery was likely to cause among the churches, but they were unable to come to any decision upon the exclusion of slaveholding members from church privileges and in a letter to the Synod of Virginia they asked for the judgment of higher ecclesiastical authorities.<sup>5</sup> In 1802 the same body decided on a policy of non-interference with the rights of the slaveholding members of the church.<sup>6</sup>

Beginning in 1823 the Synod of Kentucky advocated the cause of the American Colonization Society. Their general attitude on the slavery question was an open one as late as the year 1833 when they adopted a resolution to the effect that "inasmuch as in the judgment of the Synod it is inexpedient to come to any decision on the very difficult and delicate question of slavery as it is within our bounds; therefore, resolved, that the whole matter be indefinitely postponed."<sup>7</sup> The vote on this resolution stood 41 to 36.

The enactment of the law of 1833 forbidding the importation of slaves into Kentucky seems to have induced the Synod to take a step in advance, for when they next met in 1834 at Danville they adopted by the decisive vote of 56 to 7 a resolution calling for the appointment of a committee of ten to draw up a plan for the instruction and future emanci-

<sup>3</sup> *Minutes of Transylvania Presbytery*, Vol. 2, pp. 102-3.

<sup>4</sup> *Ibid.*, Vol. 2, pp. 163, 224.

<sup>5</sup> *Minutes W. Lexington Presbytery*, Vol. 1, p. 38.

<sup>6</sup> *Ibid.*, p. 81.

<sup>7</sup> *Minutes of Kentucky Synod*, Vol. 5, pp. 28, 31.

pation of slaves in the State.<sup>8</sup> The following year this committee published a 64-page pamphlet entitled "An Address to the Presbyterians of Kentucky proposing a plan for the instruction and emancipation of their slaves." Many editions of this work were published throughout the country even as late as 1862 when it was issued by the United Presbyterian Board of Publication in Pittsburgh. It was heralded throughout the northern section of the United States as a very able document and was regarded all the more valuable because it was published in a slaveholding State. The major portion of the pamphlet was taken up with the general arguments setting forth the evils of the slavery system but in the last few pages they set down their plan for the gradual emancipation of the slaves in Kentucky—the most able contribution towards a reconstruction of the existing social system in the State which had been made up to that time.

"The plan, then, which we propose is, for the master to retain during a limited period, and with regard to the welfare of the slave, that authority which he before held, in perpetuity, and solely for his own interest. Let the full liberty of the slave be secured against all contingencies, by a recorded deed of emancipation, to take effect at a specified time. In the meanwhile, let the servant be treated with kindness—let all those things which degrade him be removed—let him enjoy means of instruction, let his moral and religious improvement be sought—let his prospects be presented before him, to stimulate him to acquire those habits of foresight, economy, industry, activity, skill and integrity, which will fit him for using well the liberty he is soon to enjoy." The actual plan of potential freedom was stated briefly in these words: "(1) We would recommend that all slaves now under 20 years of age, and all those yet to be born in our possession, be emancipated as they severally reach their 25th year. (2) We recommend that deeds of emancipation be drawn up, and recorded in our respective county courts, specifying the slaves whom we are about

<sup>8</sup> *Minutes of Kentucky Synod*, Vol. 5, pp. 50–52.

to emancipate, and the age at which each is to be free. (3) We recommend that our slaves be instructed in the common elementary branches of education. (4) We recommend that strenuous and persevering efforts be made to induce them to attend upon the ordinary services of religion, both domestic and public. (5) We recommend that great pains be taken to teach them the Holy Scriptures; and that, to effect this the instrumentality of Sabbath Schools, wherever they can be enjoyed, be united with that of domestic instruction.”<sup>9</sup>

This appeal was not to the officials of the State but to the members of a particular religious body by its governing organization. The success or failure of the plan depended entirely upon the individual slaveholder’s attitude in the matter. The committee added this sentence by way of explanation: “These are measures which all ought to adopt; and we know of no peculiarity of circumstances in the case of any individual which can free him from culpability if he neglects them.”<sup>10</sup>

The sentiments embodied in this appeal were not, however, any indication of the feeling among the slaveholding Presbyterians of the State nor were they expressive of the Synod itself, for that body never took any action upon the address, it being the work of the committee of ten entirely.<sup>11</sup> Davidson, writing in 1847, made the following comment on the sentiment of the church people in Kentucky at that time. “In the morbid and feverish state of the public mind, it is not to be concealed, that by some they (the Committee) were considered as going to an unwarrantable and imprudent length. The northern abolitionists were waging a hot crusade against slavery, sending out itinerant lecturers, and loading the mails with inflammatory publications. Their measures were marked with a fanatical virulence rarely exhibited, and the people were exasperated beyond forbearance . . . the effects were truly disastrous. The prospect of emancipation was retarded for years. The laws bearing on the slave population were made more stringent than ever,

<sup>9</sup> *Address to Presbyterians of Kentucky*, pp. 33–34.

<sup>10</sup> *Ibid.*, p. 34.

<sup>11</sup> Davidson, *History of the Presbyterian Church in Kentucky*, p. 340.

and their privileges were curtailed. In Kentucky, the religious meetings of the blacks were broken up or interrupted and their Sabbath schools dispersed.'<sup>12</sup>

When the subject of emancipation was under discussion in the Kentucky Synod one of the elders arose and stated that he owned one hundred slaves, nearly all of whom he had inherited. Many of them were so old that they could not provide for themselves, others were women and children whom no one was willing to feed and clothe for their labor. He stated emphatically that he had no desire to hold them in bondage, but that he was willing to do whatever was best for the slaves themselves. If he should free them, what would become of the aged and the women and children? Furthermore, it was a serious matter to give bond and security for the support of so many slaves of different ages and character. He could not send them out of the State, for they were intermarried with the slaves of others; and as to giving them wages, he could not, for they were eating him up as it was. With a feeling of intense interest in the slave and anxiety on his own behalf to do the right, he asked his brethren of the Synod, what he ought to do.<sup>13</sup> The position of this kind-hearted Kentucky slaveholder shows more clearly than any other picture we could draw the difficulties of emancipation in Kentucky even when one was convinced of the evils of the slavery system.

The final word of the Presbyterian Church on the whole subject of slavery was sounded at its General Assembly in Cincinnati in 1845, when a resolution was adopted, as submitted by Nathan L. Rice, of Kentucky, stating that it was not competent for the church to legislate where Christ and his apostles had not legislated. This, at least for the time being, proved acceptable to the churches south of the Ohio and avoided a breach in the Presbyterians such as had just taken place among the Methodists and Baptists.

The Baptists as a State organization did not pursue a policy similar to that of the Presbyterians. After the

<sup>12</sup> *Op. cit.*, p. 340.

<sup>13</sup> Blanchard and Rice, *Debate on Slavery*, p. 88.

failure of the emancipationist campaign in 1792 and again at the constitutional convention in 1799 a few members of the Baptist Church began a movement for immediate abolition under the lead of several ministers—Tarrent, Barrow, Sutton, Holmes and others. The policy which they advocated was not only one of immediate abolition but of non-fellowship with the slaveholders within their own denomination. There was no general governing body for the State, as the Baptists had several so-called associations which covered only a few counties each. The trend of opinion throughout the various commonwealth organizations was apparently against the position held by the emancipationist group, for the latter in 1807 withdrew from the regular organizations and established an association of their own which they called the Licking Locust Association. They were only able to muster the assent of twelve churches to their newer group and soon died out in importance.<sup>14</sup> The real sentiment of the Baptists was no doubt much like that of the Presbyterians, but these early advocates of Negro freedom in their own organization were entirely too radical even for their own church membership. Had they followed a course of action and policy more in keeping with their own constituents they might have accomplished much good, whereas, as it was, they only stirred up the feeling within their own denomination to such an extent that thereafter little progress was made towards a policy of even gradual emancipation of the slave.

Throughout the slavery era, however, the Baptists in the State were divided into the "regular" and the "separatists," the former being in favor of non-interference with the question and the latter representing the advocates of emancipation in one form or another. Both agreed that slavery was an evil, but the regular group was unwilling to make it the cause of the expulsion of a slaveholder from the church. In May, 1845, a "Southern Baptist Convention" was held at Augusta, Georgia. The meeting had been hastily called and representatives were present only from

<sup>14</sup> Spencer, *History of the Baptists in Kentucky*, Vol. 1, p. 186.



Maryland, South Carolina, North Carolina, Georgia, Alabama, Louisiana, Kentucky, and the District of Columbia. Mississippi, Arkansas, Tennessee and Florida were represented only by letters. The convention had been summoned as a protest against the action of the "Acting Board" of the church in the country in refusing to consent to the appointment of a slaveholder to any field of foreign missionary labors.<sup>15</sup> In June of the same year the Kentucky Baptists for the most part withdrew from the northern organization and pledged themselves to this newly formed southern convention. The creed was not changed. It was simply a matter of rebuke toward the northern section's attitude on the slavery question.<sup>16</sup>

The Methodists had also struggled to find a peaceful solution of the problem of harmonizing Christianity with slavery. At the meeting of the General Conference of the Methodist Church in 1845, several days were taken up in the debate over the status of Bishop James Osgood Andrew, of Kentucky. By inheritance and marriage he was a slaveholder. Finally he was requested by a vote of 110 to 68 "to desist from the exercise of the office of Bishop while this impediment remained." The southerners in the convention became unusually indignant, declaring that the infliction of such a stigma upon Bishop Andrew would make it impossible for them to maintain the influence of Methodism in the South.<sup>17</sup> So they withdrew from the convention and in May, 1845, held a convention of the Methodist churches of the Southern States in Louisville. After a nineteen-days' session they decided to set up an organization of their own to be known as the "Methodist Episcopal Church South" and to have their first meeting at Petersburg, Virginia, in May, 1846.<sup>18</sup>

The Kentucky Methodist Conference met at Frankfort on September 17, 1845, and the entire attention of the meeting was given over to the question of whether they would

<sup>15</sup> *Niles' Register*, May 24, 1845.

<sup>16</sup> *Ibid.*, June 28, 1845.

<sup>17</sup> *Ibid.*, June 8, 1844.

<sup>18</sup> *Ibid.*, May 17, 24, 31, 1845.

adhere to the general conference or would pledge themselves to the newly formed southern organization. Bishop Andrew appeared at Frankfort at the crucial moment and stated all the facts concerning himself and the action which the Louisville Conference had taken as a result of the trouble in the previous General Conference. By a vote of 146 to 5 they then declared that henceforth they would adhere to the Methodist Episcopal Church South, and that all proceedings, records and official acts would thereafter be in the name of the "Kentucky Conference of the Methodist Episcopal Church South."<sup>19</sup>

At its annual conference in 1858 held in Hopkinsville the Louisville Conference held a very heated debate over the rules of the church regarding slaveholders. Finally they voted to expunge from the General Rules the one which forbade "the buying and selling of men, women and children, with the intention to enslave them."<sup>20</sup> The regulation thus repealed, although it was a part of the rules of Methodism, was just another indication of the sentiment in Kentucky at that time to resent more and more the encroachments of the North on the slave system of the South and to hang on to the institution with a grim determination. But they were not willing to go to unwarrantable lengths, for at the Kentucky Conference held in Germantown in March, 1860, a proposition submitted by the sister conferences to the South with a view to further altering the rules on slavery was denied.<sup>21</sup>

The churches of Kentucky for the most part pursued a policy of benevolent neutrality in the struggle which the slave forces of the State were having with their neighbors to the North. The Baptists and Methodists within the commonwealth officially never made any positive contribution to the forces of either side, and they took no definite stand until the whole southern division of their general national organization withdrew from membership in the national conventions and set up an organization of their own. When

<sup>19</sup> *Niles' Register*, September 27, 1845.

<sup>20</sup> Collins, *History of Kentucky*, Vol. 1, p. 81.

<sup>21</sup> *Ibid.*, Vol. 1, p. 83.

this much had been done both the Methodists and Baptists of Kentucky pledged their allegiance to their respective newly formed southern conventions. On the other hand the Presbyterians of the State maintained a policy that was distinctively their own, separate and apart from any acts of their national organization. They were the only religious body in Kentucky to issue officially a constructive plan for the betterment of social and economic conditions under slavery. When it came to the advocacy of even gradual emancipation they were careful to state that the plan was only published for the benefit of the slaveholding members of their own religious body. The Presbyterians went further in their interference with the institution of slavery in the State than any other religious body, but even they were not willing to try to extend their home missionary field beyond their own membership. On the whole, the churches in Kentucky merely followed the dictates of public opinion on the subject of slavery, trying to pursue a policy of neutrality as long as possible and then when it was no longer feasible, most of them sided with the slaveholding group. The northern section of none of these religious bodies, however, was driven out of the State. There were a good many of the so-called "northern" churches which remained loyal to the old national organizations.

The summary of the actions of the three principal religious bodies of the State shows that there was a growing sentiment against the institution of slavery. Kentucky being a slaveholding State, the significance of this attitude was very important. While it may be true that the majority sentiment even among the churches was not in favor of the elimination of slavery the very fact that even a minority were coming to the front unmolested by violence and threats and favoring the gradual elimination of the established institution revealed the general trend of public opinion among the people of Kentucky. These measures were taken entirely upon their own initiative and were not prompted by an outside anti-slavery influence.

Any discussion of the evolution of public opinion in

Kentucky on the subject of emancipation and of slavery in general would be incomplete without describing the attitude of Henry Clay toward the institution in Kentucky. During almost the entire period of slavery in Kentucky he was the foremost citizen of the State and one of the principal slaveholders. From those two viewpoints alone anything that he had to say on the local type and problems of slavery is valuable in this connection.

The general position of Clay on the subject of Negro servitude has never been very widely understood. Among the radical abolitionists of the North he was looked upon as a friend of slavery for the sake of political advancement and among the slaveholders in some parts of the South he was regarded as almost a member of the Garrisonian group of the enemies of slavery. To understand Clay's real position we need only to consider his relation to the institution as it existed in his native State.

Coming from Virginia to Lexington in 1797, Clay soon found ample opportunities for a public career. He first came into prominence as a writer on slavery in the columns of the *Lexington Gazette* and the *Kentucky Reporter*. When the constitutional convention of 1799 was called for a revision of the fundamental law of the State Clay bent all his efforts towards the adoption of a system of gradual emancipation for the slaves of Kentucky. It was pointed out that there were relatively few slaves in the State and that a progressive plan of liberation would be much easier than at any future time.

The consensus of opinion at the time was that the emancipationists led by this young man from Virginia would have been successful, had it not been for the intervening excitement produced by the Alien and Sedition Laws and the resulting famous Virginia and Kentucky Resolutions of 1798. Clay threw himself heart and soul into the newer campaign against the mistakes of the Federalists and the former enthusiasm for the gradual freedom of the slaves seems to have died down in his thought as well as among the Kentucky people in general. Thus the constitutional

convention of 1799 left the conditions of slavery as they were.

In a speech delivered three decades later before the Kentucky Colonization Society, Clay said in commenting on his position in 1798: "More than thirty years ago, an attempt was made, in this commonwealth, to adopt a system of gradual emancipation, similar to that which the illustrious Franklin had mainly contributed to introduce in 1780, in the state founded by the benevolent Penn. And among the facts of my life which I look back to with most satisfaction is that of my having cooperated, with other zealous and intelligent friends, to procure the establishment of that system in this state. We were overpowered by numbers, but submitted to the decision of the majority with that grace which the minority in a republic should ever yield to that decision. I have, nevertheless, never ceased, and shall never cease, to regret a decision, the effects of which have been to place us in the rear of our neighbors, who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvements, and the general progress of society."<sup>22</sup> In his famous speech in the Senate on Abolition in 1839, referring further to his activities in 1798, Clay stated that "no one was rash enough to propose or think of immediate abolition. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the state."<sup>23</sup>

Clay's private dealings with the institution were always consistent with his political principles on the subject of slavery. He bought many slaves during his lifetime but he never sold any.<sup>24</sup> Clay believed that the slaves should be

<sup>22</sup> Schurz, Carl, *Henry Clay*, Vol. 1, p. 31.

<sup>23</sup> Colton, *Works of Clay*, Vol. 6, p. 153.

<sup>24</sup> His attitude was perhaps best shown when, on a visit to Richmond, Indiana, in the fall of 1846, he was presented with a petition by a Quaker by the name of Mendenhall asking him to liberate all the slaves he owned. Clay made a rather lengthy speech to the gentleman on the general principles of the question and then came down to the practical side of the problem:

"Without any knowledge of the relation in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate

freed, but at the same time considered the difficulties attendant upon instant emancipation. Among the mass of the slaveholders of the State, Clay was one of the very few who held a perfectly consistent attitude on gradual emancipation as was finally shown by his will.<sup>25</sup>

the whole of them. Now let me tell you, that some half a dozen of them, from age, decrepitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of that charge, and sending them forth into the world with the boon of liberty, to end a wretched existence in starvation? Another class is composed of helpless infants, with or without improvident mothers. Do you believe as a Christian, that I should perform my duty toward them by abandoning them to their fate? Then there is another class who would not accept their freedom if I would give it to them. I have for many years owned a slave that I wished would leave me, but he would not. What shall I do with that class?"

"What my treatment of my slaves is you can learn from Charles, who accompanies me on this journey, and who has traveled with me over the greater part of the United States and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me. Excuse me, Mr. Mendenhall, for saying that my slaves are as well fed and clad, look as sleek and hearty, and are quite as civil and respectful in their demeanor, and as little disposed to wound the feelings of any one, as you are."

"I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, I should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth about fifteen thousand dollars. To turn them loose upon society without any means of subsistence or support would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation."—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 6, pp. 388-390.

This sums up in Clay's own words his treatment of the slaves that were under his control. It is not to be presumed in any case that general conditions in the State were like this. There were obvious reasons why Clay couldn't get one or two of his slaves to accept freedom when he offered it, for they realized that they were far better off under his own particular care than they could ever hope to be under an absolutely free status in society.

<sup>25</sup> So consistent was Clay in deed as well as words in spite of all that the opposing forces had accomplished in the State of Kentucky that when he died he left a will which did for his own slaves just what he would have had others do in his lifetime. As long as he lived he refused to emancipate his slaves but when he passed away he left a written document, the following portion of which forms the eminent climax to a career of continuous labors for the eventual good of the Kentucky slave owners as well as the slaves themselves.

With a more radical policy than that of Henry Clay the Kentucky Abolition Society had been established as early as 1807, but its membership was composed largely of Presbyterian and Baptist preachers who were not in sympathy with the stand taken by the constitutional convention of 1799. It was not until about 1830 that there began in the State any real movement which was wide enough in influence to be taken as an indication of the trend of public opinion. It will be recalled that it was not until 1835 that the Presbyterian Synod was able to decide on a plan of gradual emancipation.

It was in 1831 that some 48 slaveholders of Kentucky met and declared themselves in favor of the gradual liberation of the slaves.<sup>26</sup> James G. Birney, who was at that time living in Danville, took this statement of the slave owners rather seriously and sent out an invitation to the prominent

“In the sale of any of my slaves, I direct that members of families shall not be separated without their consent.

“My will is, and I accordingly direct, that the issue of all my female slaves, which shall be born after the first day of January, 1850, shall be free at the respective ages, of the males at twenty-eight, and of the females at twenty-five; and that the three years next preceding their arrival at the age of freedom, they shall be entitled to their hire or wages for those years, or of the fair value of their services, to defray the expense of transporting them to one of the African colonies and of furnishing them with an outfit on their arrival there.

“And I further direct, that they be taught to read, to write, and to cipher, and that they be sent to Africa. I further will and direct, that the issue of any of the females, who are so to be entitled to their freedom, at the age of twenty-five, shall be free at their birth, and that they be bound out as apprentices to learn farming, or some useful trade, upon the condition also, of being taught to read, to write, and to cipher. And I direct also, that the age of twenty-one having been attained, they shall be sent to one of the African colonies, to raise the necessary funds for which purpose, if they shall not have previously earned them, they must be hired out for a sufficient length of time.

“I require and enjoin my executors and descendants to pay particular attention to the execution of this provision of my will. And if they should sell any of the females who or whose issue are to be free, I especially desire them to guard carefully the rights of such issue by all suitable stipulations and sanctions in the contract of sale. But I hope that it may not be necessary to sell any such persons who are to be entitled to their freedom, but that they may be retained in the possession of some of my descendants.”—Colton, Reed & McKinley, Vol. 3, p. 153.

<sup>26</sup> Birney, William, *James G. Birney and his Times*, p. 132.

men of the State to attend an emancipation convention on December 6, 1831. After several months of determined effort Birney only succeeded in getting together nine men, all slaveholders. It is evident from the writings of Birney that he thought these men were all determined to free their slaves and that whatever plan he should propose would be accepted. But when the nine slaveholders began to talk about the existing conditions in Kentucky Birney's eyes were opened. It was pointed out that those who advocated immediate emancipation were coming more and more to be victims of social ostracism. Furthermore, Birney learned that there was among the prominent slaveholders of the State a sort of secret organization which had been formed to protect the constitutional rights of Kentucky slaveholders against the encroachments of the people from the North. James G. Birney was one of the most intelligent of the Kentuckians who favored emancipation, but the ardent enthusiasm which he had hitherto held for the future of his cause in Kentucky was decidedly cooled by this little gathering of nine slaveholders. These men showed him a point of view about which he had thought very little. Outside of the new vision which this conference gave to Birney the only result of the deliberations was that there was formed a society of slaveholders which advocated the gradual emancipation of the future offspring of slaves when they reached the age of twenty-one.<sup>27</sup>

Soon after this episode Birney came out in opposition to both gradual emancipation and colonization. The majority of liberal-minded Kentuckians were coming more and more to believe in these two propositions as the ultimate solution of the slave problems of the State and once Birney came out in opposition to them he was put down as a radical abolitionist. In July, 1835, the feeling of the people of Danville was aroused to the highest pitch and his anti-slavery paper *The Philanthropist* was forced to suspend publication when the local printer was bought out.<sup>28</sup> The

<sup>27</sup> Birney, William, *James G. Birney and his Times*, p. 133.

<sup>28</sup> *Ibid.*, p. 182. The interesting story of Birney and his troubles with his fellow townsmen does not come within the scope of this investigation and



feeling of the people throughout the State, however, was well shown by the fact that for the next two months Birney made personal visits to Lexington, Frankfort and Louisville in an attempt to get a printer to issue his newspaper. He was entirely unsuccessful and on September 13 he wrote to Gerrit Smith that he had determined to move to Cincinnati.<sup>29</sup> While the people of the State could not agree with Birney's attitude on slavery they were the first to admire his courage. George D. Prentice, the pro-slavery editor of the *Louisville Journal*, had this comment to make:

"He is an enthusiastic, but, in our opinion, a visionary philanthropist, whose efforts, though well intended, are likely to be of no real service to the cause of humanity. He at least shows, however, that he has the courage to reside among the people whose institutions he assails. He is not like William Lloyd Garrison living in Massachusetts, and opening the battery upon the states five hundred or one thousand miles off. He is not such a coward or fool as to think of cannonading the South from the steeple of a New England meeting house."

The climax of Birney's career in Kentucky had been reached in the early part of 1835 when he split with the Kentucky Colonization Society. Judge Underwood in the annual colonization address at Frankfort had attempted to show that the only way to exterminate slavery in the State was by African colonization. He advocated the expenditure of \$140,000 annually for the transportation of four thousand Negroes between the ages of seventeen and twenty. The plan if followed for fifty years he stated would rid the State of all slaves.<sup>30</sup> In a letter to Gerrit Smith on January 31, 1835, Birney voiced his opposition to the plan of Judge Underwood and to any scheme of colonization. Thus on another point he was to be classed as a radical abolitionist and his career of usefulness in Kentucky was at an end. If he had chosen a more middle ground and aided will be found treated at length in William Birney's *James G. Birney and His Times*.

<sup>29</sup> Birney, William, *James G. Birney and his Times*, p. 185.

<sup>30</sup> *Ibid.*, p. 155.

the cause of colonization, he would no doubt have accomplished much good. As it was, he was forced to leave the State after many threats and thereafter he stormed the institution of slavery in his native State from a safe region north of the Ohio River. From that time on everything that he uttered in opposition to slavery in Kentucky was met with a strong current of opposition. Where Birney might have accomplished much for his native State he really did harm because he went beyond the point where the people would listen to his advice. In September, 1834, he visited Henry Clay and that most liberal of all Kentucky slaveholders pointed out to Birney the error of his ways but the latter showed no signs of listening to advice and thereafter Clay and Birney were sworn political antagonists. Had Birney joined with Clay at this time there might have been a much brighter future in Kentucky for the cause of emancipation. As it was, Birney never receded from his position and when the Presbyterian Synod came out with its plan of gradual emancipation Birney voiced his determined opposition to the scheme because it did not favor the immediate liberation of the slaves.<sup>31</sup> With the advent of the abolition movement most of the Kentucky masters who were in favor of gradual emancipation receded from their position and held on firmly to the existing institution.<sup>32</sup>

<sup>31</sup> Birney, William, *James G. Birney and his Times*, p. 156.

<sup>32</sup> Quick to recognize this tendency, Clay referred to it in his Senate speech of February 7, 1839:

“The proposition in Kentucky for gradual emancipation did not prevail, but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the abolitionists commenced their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that state have been shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual emancipation is probably less than it was in the years 1798-9. At the session of the legislature held in 1837-8 the question of calling a convention was submitted to a consideration of the people by a law passed in conformity with the Constitution of that state. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one fourth of the whole voters of the state supported a call of a convention. The apprehension of the danger

The series of events from 1831 to 1835, centering around the activities of Birney, brought the attention of the public to the slavery question more than ever. As was common in all other movements of popular interest it became the custom for local gatherings to be held to discuss the problem. It was always customary at the conclusion of these meetings to draw up a series of resolutions and it is noticeable that they all voiced a similarity of sentiment on the slavery question. A typical set of resolves were those drawn up at a gathering held in Shelbyville in June, 1835:

*“Resolved, that the system of domestic slavery as it now exists in this commonwealth, is both a moral and a political evil, and in violation of the rights of man.*

*“Resolved, as the opinion of this meeting, that the additional value which would be given to our property, and its products by the introduction of free white labor, would in itself be sufficient, under a system of gradual emancipation, to transport the whole of our colored population.*

*“Resolved, that no system of emancipation will meet with our approbation, unless colonization be inseparably connected with it, and that any scheme of emancipation which will leave the blacks within our borders, is more to be deprecated than slavery itself.”<sup>33</sup>*

These resolutions were just another indication that the sentiment of the people of Kentucky during the decade from 1830 to 1840 was in favor of gradual emancipation of the slaves and their colonization in Africa. We have seen that this was the plan of the various church bodies, and also

of abolition was the leading consideration among the people for opposing the call. But for that, but for the agitation of the question of abolition in states whose population had no right, in the opinion of the people of Kentucky, to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. . . . Prior to the agitation of this subject of abolition, there was a progressive melioration in the condition of the slaves—schools of instruction were opened by humane and religious persons. These are now all checked, and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authority has found it expedient to infuse fresh vigor into the police and the laws which regulate the conduct of the slaves.”—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 6, pp. 153–154.

<sup>33</sup> *Niles' Register*, July 4, 1835.

of Kentucky's greatest statesman, Henry Clay. Added to this we find that the majority of the liberal-minded people of the State held to the same conviction. But why, one asks, did all this feeling come to naught. The answer can be better expressed in the words of a contemporary Kentuckian, Nathaniel Shaler: "From the local histories the deliberate student will easily become convinced that if there had been no external pressure against slavery at this time there would still have been a progressive elimination of the slave element from the population by emancipation on the soil, by the sale of slaves to the planters of the Southern States, and by their colonization in foreign parts."<sup>34</sup>

During the decade from 1840 to 1850 this outside pressure of which Shaler speaks was at its height. We have seen typical examples of it within the borders of Kentucky in the discussion of the cases of Delia Webster, Calvin Fairbank and John B. Mahan. The change in the trend of popular thought during this period does not show itself much in the open until 1849, when the third constitutional convention was about to assemble. It was then that all phases of the problem of slavery were discussed, in the press, in the pulpit, on the platform and in the elections. George D. Prentice in an editorial gave the best exposition of Kentucky sentiment. He said: "The sentiment of Kentucky we believe to be, that slavery is an evil which must be borne with patience, simply because there is no known plan for its rapid extinction which would not produce incalculable sacrifices and appalling risks. At the same time we think the people of Kentucky are not inclined to increase the evil, but are inclined to favor its gradual emancipation and remote termination, by prohibiting the further introduction of slaves and by some provision tending to encourage voluntary emancipation with colonization. These measures they believe, taken in connection with the known tendency in widening circles to substitute free for slave labor, will hasten the social revolution in question as fast as it can be

<sup>34</sup> Shaler, N. S., *Kentucky*, p. 197.

carried with safety to the Commonwealth or with benefit to the colonized negro.''<sup>35</sup>

So universal was this feeling that even Cassius M. Clay, the only real abolitionist left in the State, came out more or less in favor of it. Under his leadership there was held at Frankfort, April 25, 1849, an emancipation convention to which all the more radical element were invited. Clay himself proved to be the most radical member of the convention but when they came to draw up a series of resolutions the only ones to pass were those which favored the absolute prohibition of the importation of any more slaves into Kentucky and the complete power to enforce and perfect, under the new constitution, whenever the people desired it, a system of gradual emancipation of the slaves.<sup>36</sup> Here we are confronted with the unusual fact that the radical element of the State agreed with the plan of George D. Prentice, one of the chief pro-slavery men of Kentucky, and with that of Henry Clay.

While sojourning for his health in New Orleans in February, 1849, Clay sent Richard Pindell for publication a letter on the gradual emancipation of slavery in Kentucky, as the State at that time was about to hold another constitutional convention. This long and able document constitutes the most constructive program for the progressive elimination of slavery from the State that was ever drawn up. It embodied not only the fundamental principles of Clay's attitude on the Kentucky slavery question but it undoubtedly typified the real position of the average high-minded Kentucky slaveholder of that day. Clay frankly admitted that he had little hope of the immediate success of the plan, but he thought it was his duty to present the facts of the problem to the people of his own State, at a time when they were about to alter the existing constitution. The spirit of the plan as well as its context shows that Clay had thoroughly considered the emancipation question from all aspects,

<sup>35</sup> *Louisville Weekly Journal*, September 26, 1849.

<sup>36</sup> *Niles' Register*, May 9, 1849.

Clay, Cassius, *Memoirs*, pp. 175-178.

Collins, *History of Kentucky*, Vol. 1, p. 59.

especially in relation to its practical operation. The actual plan was based on three principles: (1) that any gradual emancipation should be slow in its operation, so as not to disturb the existing habits of society; (2) as an indispensable condition the liberated slaves were to be sent out of the State and colonized in Africa; (3) and the expenses of their transportation and six months subsistence were to be borne by a fund supplied by the labor of the freed negro.

Regarding the progressive plan of liberation, Clay suggested that a certain date, January 1, 1855 or 1860, be fixed for the commencement of the plan. All slaves born after that date were to be free at the age of twenty-five; but they were liable thereafter to be hired out under State authority for a period of not more than three years, in order to raise money to pay for their expenses of transportation to their colony and their subsistence for the term of six months. It was suggested that the offspring of those who were to be free at twenty-five should be free at their birth, but subject to apprenticeship until they reached their majority and then to be hired out as in the case of the parent to pay the expenses of transportation to the colony and their settlement there. In the meanwhile the master would have the usual legal rights over the slaves and could sell, devise or remove them out of the State.

Clay considered colonization to be an indispensable part of his scheme and went so far as to say that he would be "utterly opposed" to any system of emancipation without it. He firmly believed that the nearly two hundred thousand blacks along with their descendants "could never live in peace and harmony and equality with the residue of the population" if they were free. He thought the expense of colonizing should be borne by a fund from the labor of the liberated Negro because he was the individual who secured the most benefit thereby. The non-slaveholder should not be taxed for any share in the expense and the slaveholder would have enough sacrifices to make without any additional financial burdens. Clay figured that the average

annual hire of each slave would be about fifty dollars, or one hundred and fifty dollars for the whole period of three years. One third of this sum would be required for the transportation of the Negro to Africa and the other two thirds would go towards a fund to establish him in his new country.<sup>37</sup>

The persistence of Clay in his avowed convictions on the subject of slavery and emancipation in Kentucky was kept up in spite of the fact that within a few days after the publication of his plan of emancipation throughout Kentucky the House of Representatives at Frankfort by the unanimous vote of 93 to 0 declared that "we the representatives of the people of Kentucky, are opposed to abolition or emancipation of slavery in any shape or form whatever, except as now provided by the laws and constitution of the state."<sup>38</sup> This was their answer to the plea set forth by Clay and strange to say the same group of men voted unanimously at the same session to return Clay for six years more to the United States Senate.

A convention of the so-called "Friends of Constitutional

<sup>37</sup> Clay endeavored in his plan to be fair to all parties concerned, not only the Negro but the slave owner as well, as is well evident in the following paragraph, in which he sought to show the justice of his scheme to the holders of Negroes in the State:

"That the system will be attended with some sacrifices on the part of the slaveholders, which are to be regretted, need not be denied. What great and beneficent enterprise was ever accomplished without risk and sacrifice? But these sacrifices are distant, contingent, and inconsiderable. Assuming the year 1860 for the commencement of the system, all slaves born prior to that time would remain such during their lives, and the present loss of the slaveholder would be only the difference in value of the female slave whose offspring, if she had any, born after the first day of January, 1860, should be free at the age of twenty-five or should be slaves for life. In the meantime, if the right to remove or sell the slave out of the State should be exercised, that trifling loss would not be incurred. The slaveholder, after the commencement of the system, would lose the difference between the value of the slaves for life and slaves until the age of twenty-five years. He might also incur some inconsiderable expense in rearing from their birth the issue of those who were to be free at twenty-five, until they were old enough to be apprenticed out; but as it is probable that they would be most generally bound to him, he would receive some indemnity from their services until they attained their majority."

<sup>38</sup> Collins, *History of Kentucky*, Vol. 1, p. 58.

Reform'' had been held at the State capital on February 5, 1849, and had drawn up a series of twelve resolutions on the several questions which were to be debated in the constitutional convention. They made mention incidentally of the desired reforms in connection with slavery stating "that we do not desire or contemplate any change in the relative condition of master and slave in the new Constitution, and intend a firm and decided resistance to any such change. We have no objection to a proper provision for colonizing the present free blacks, and those who shall hereafter be set free, but protest against abolition or emancipation without the consent of the owner, unless upon full compensation and colonization."<sup>39</sup>

This element dominated the convention. The body not only ignored any plan of emancipation but drew the reins of the existing institution tighter than ever before by incorporating in the Bill of Rights the famous phrase that "the right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatsoever." Such a statement was, however, not brought on by the words of Clay, but was a direct answer to the "higher law than the constitution" plea of the abolitionists.<sup>40</sup> The convention amended the standard article on slavery with a section to the effect that the "General Assembly should pass laws

<sup>39</sup> *Niles' Register*, February 21, 1849.

<sup>40</sup> We know how Clay felt about this matter, for he referred to it at length in his speech in the Senate on February 20, 1850, in the debate on the Compromise resolutions. Speaking particularly of his letter of emancipation he declared: "I knew at the moment that I wrote that letter in New Orleans, as well as I know at this moment, that a majority of the people of Kentucky would not adopt my scheme, or probably any project whatever of gradual emancipation. Perfectly well did I know it; but I was anxious that, if any of my posterity, or any human being who comes after me, should have occasion to look into my sentiments, and ascertain what they were on this great institution of slavery; to put them on record then; and ineffectual as I saw the project would be, I felt it was a duty which I owed to myself, to truth, to my country, and to my God, to record my sentiments. The State of Kentucky has decided as I anticipated she would do. I regret it; but I acquiesce in her decision."—Colton, Reed & McKinley, *Works of Henry Clay*, Vol. 3, p. 353.



providing that any free negro or mulatto immigrating to, and any slave thereafter emancipated in, and refusing to leave that State, should be deemed guilty of a felony, punished by confinement in the penitentiary."

The obvious purpose of this amendment was to reduce the number of Negroes in the State. Accordingly every slave emancipated was forced to leave the State and the Negro population was decreased just so much every time any slaves were set free. The convention was thus willing to do something towards eliminating the Negro, but was not in favor of any scheme of a general gradual liberation of the slaves. The necessary legislative act for carrying out the provision of the constitution was enacted March 24, 1851.<sup>41</sup> This law only went half way in that it only prevented those Negroes who had been freed in Kentucky from living in the State. It was not until March 3, 1860, that the prohibition was extended to all free Negro immigration into the State.<sup>42</sup> An interesting development of this policy was shown in the enactment of the legislature in 1863 which declared it unlawful for any Negro or mulatto claiming to be free under the Emancipation Proclamation to migrate to or remain in the State. Any Negro violating this law was to be treated as a runaway slave.<sup>43</sup>

The desire of the State authorities to eliminate the free Negro was accompanied by constructive measures in behalf of the emancipated slave. On March 3, 1856, the State legislature passed a law appropriating \$5,000 annually to aid the Kentucky Colonization Society in the transportation of free Negroes to Liberia.<sup>44</sup> The universal sentiment of the time was that the salvation of the Negro race rested in their elimination from the State even as free men and their transportation to their native African soil. Henry Clay of all others was the most persistent advocate of colonization.

We have seen that the general trend of public opinion from about 1798 had been progressively in favor of gradual

<sup>41</sup> Collins, *History of Kentucky*, Vol. 1, p. 61.

<sup>42</sup> *Ibid.*, Vol. 1, p. 83.

<sup>43</sup> Session Laws of 1863, p. 366.

<sup>44</sup> *Ibid.*, 1856, Vol. 1, p. 50.

emancipation provided it was coupled with some form of colonization which would remove the liberated Negroes from the State. Public sentiment, however, received a serious set-back about 1838 with the beginning of the Underground Railroad system and the incoming of the abolitionist literature. In a speech in the Kentucky legislature of 1838 James T. Morehead, one of the leading anti-slavery statesmen of the State, portrayed the coming of the newer era in the history of Kentucky slavery when the people would make more strenuous efforts to hold firmly to the slavery institution. Morehead pictured the popular mind in these words: "Any man who desires to see slavery abolished—any friend of emancipation, gradual or immediate—who supposes for a moment that now is the time to carry out this favorite policy, must be blind to the prognostics that lower from every quarter of the political sky. Sir, the present is not the period to unmanacle the slave in this or any other state of the Union. Four years ago you might have had some hope. But the wild spirit of fanaticism has done much to retard the work of emancipation and to rivet the fetters of slavery in Kentucky. . . . The advocates of abolition—the phrenzied fanatics of the North, neither sleep nor slumber. Their footsteps are even now to be seen wherever mischief can be perpetrated—and it may be that while the people of Kentucky are reposing in the confidence of fancied security, the tocsin of rebellion may resound through the land—the firebrand of the incendiary may wrap their dwellings in flames—their towns and cities may become heaps of ashes before their eyes and their minds drawn off from all thoughts of reforming the government to consider the means necessary for their self-preservation—the protection of their families and all that is dear to men."<sup>45</sup>

Such was the idea of one of the most prominent public men of Kentucky and such became in time the opinion of the average citizen who had come to believe in gradual emancipation as the hope and solution of the Negro problem in the State. The future course of events regarding slavery in

<sup>45</sup> *Maysville Eagle*, April 11, 1838.

Kentucky is to be explained by this radical change of mind. Thus did the wise and constructive plans of the gradual emancipationists come to naught with the incoming of the radical abolitionist movement which the Kentucky populace thought would bring about a civil insurrection among the slaves in their own State. The abolitionists misunderstood the gradual emancipation movement in Kentucky and really fanned the flame of the pro-slavery sentiment that came in its place.